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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,043	02/17/2000	Qingfeng Tang	LUTA 0252 PUS	7011
34007	7590	10/03/2003	EXAMINER	
BROOKS KUSHMAN P.C. / LEAR CORPORATION			KUMAR, PANKAJ	
1000 TOWN CENTER			ART UNIT	
TWENTY-SECOND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			2631	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/506,043

Applicant(s)

TANG, QINGFENG

Examiner

Pankaj Kumar

Art Unit

2631

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-6.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Art Unit: 2631

1. In response to applicant's arguments, the recitation "narrow bandwidth super-regenerative receiver" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

2. Applicant argues that the local oscillator in Niki is not regenerative. This is not persuasive since local oscillators regenerate samples after every cycle. They also work more than once and hence are also regenerative for this reason.

3. Applicant's argument that the quench circuit is not connected to the regenerative oscillator is not persuasive. In fig. 7 of Niki, 137 is directly connected to 105 and 136 and 138 are indirectly connected to 105.

4. Applicant's argument that elements that elements 138 with 136 and 137 do not quench since 136 and 137 are merely gates is not persuasive. 136 and 137 are AND gates which function to quench by outputting a 0 when both inputs for a AND gate is not 1. This quenching is at a predetermined frequency since Niki says in paragraph 23: "After the desired frequency component is detected, the frequency sweep in the local oscillator 105 is stopped so that the frequency of the intermediate frequency signal at the output of the frequency converter 121, and the local signal, can both be counted. The intermediate frequency signal thus obtained is supplied to an AND gate 136, whereas the local signal is supplied to an AND gate 137." So the

Art Unit: 2631

intermediate frequency signal is quenched by AND gate 136 and the local signal which is at the local frequency (not necessarily the intermediate frequency) is quenched by AND gate 137.

5. Applicant's argument that Niki does not teach a frequency sweeping circuit connected to the regenerative oscillator with the frequency sweeping circuit controlling operation of the regenerative oscillator to a desired narrow bandwidth around the transmit frequency is not persuasive. The frequency sweeping circuit is analogous to Niki's fig. 7 element 106. The regenerative oscillator is analogous to Niki's fig. 7 element 105. 106 is connected to 105 and so 106 is controlling 105. Niki further teaches that the frequency sweeping circuit controls the operation of the regenerative oscillator to a desired narrow bandwidth around the transmit frequency since 106 is connected to 105 and 106 is being controlled stepwise as shown in figs 3 and 5. F in figs. 3 and 5 is shown in fig. 4 as the output of the sweep generator. This means that 105 will change in a narrow band which inherently has to occur around the transmit frequency for Niki's system to operate. Also, the local oscillator is outputting at a narrow bandwidth frequency and the sweep generator controls the local oscillator to sweep through the frequencies. During this sweeping, the frequency changes and it is still in a narrow bandwidth.

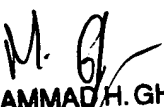
6. Applicant suggests that because Niki teaches downmixing and envelope detection, that Niki cannot teach the limitations of claim 1. This argument is not persuasive. Applicant's claim 1 is too broad and is so broad in such a way that even though Niki teaches downmixing and envelope detection, Niki also teaches the limitations of claim 1 as explained through a number of office actions.

7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out

Art Unit: 2631

how the language of the claims patentably distinguishes them from the references. As one example of this, applicant says that the AND gates do not quench even though it was recited in a prior action that the AND gates quench since 136 and 137 are AND gates which function to quench by outputting a 0 when both inputs for an AND gate is not 1. Applicant does not argue against the fact that quenching occurs when there is an output of 0 from the AND gate. Instead, applicant essentially just reiterates that the AND gates do not quench without providing any justification against office's argument that AND gates quench by outputting a 0.

8. As another example, applicant says that the local oscillator is not regenerative even though it was recited in a prior action that the local oscillator is regenerative since local oscillators regenerate samples after every cycle. Applicant does not argue against the fact that local oscillators regenerate samples after every cycle. Instead, applicant essentially just reiterates that the local oscillator is not regenerative oscillator without providing any justification against office's argument that the local oscillator is a regenerative oscillator since local oscillators regenerate samples after every cycle.

  
MOHAMMAD H. GHAYOUR  
PRIMARY EXAMINER